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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/058,825	01/30/2002	Roderick John Scott	0623.1160001

26111

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CONFIRMATION NO. 2437

## FORMALITIES LETTER



\*OC000000007686133\*

Date Mailed: 03/21/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$690.
  - \$270 for 15 total claims over 20.
  - \$420 for 5 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1560.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

required item(s) identified below must be timely submitted to avoid abandonment:

- Abstract must be on a separate sheet.
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f),

740.00 DP  
420.00 DP  
130.00 DP  
342.00 DP

05/23/2002 SDENB001 00000049 10058825

01 FC:101  
02 FC:102  
03 FC:105  
04 FC:103

1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)**

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*A copy of this notice **MUST** be returned with the reply.*

*Y.G.*  
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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

4005026-65402



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May 21, 2002

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Washington, D.C. 20231

Box Missing Parts

Re: U.S. Utility Patent Application  
Appl. No. 10/058,825; Filed: January 30, 2002  
For: **Modified Plants**  
Inventor: Roderick John SCOTT  
Our Ref: 0623.1160001/LBB/GLL

Sir:

In reply to the Notice to File Missing Parts of Application--Filing Date Granted dated March 21, 2002, Applicant submits the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Fee Transmittal Form (PTO/SB/17);
2. Copy of the Notice to File Missing Parts;
3. Substitute paper and computer readable copy of Sequence Listing;
4. Letter to PTO Draftsman: Submission of Formal Drawings (Figures 1-12);
5. Second Preliminary Amendment;
6. Copy of the abstract on a separate sheet (page 54)
7. An original Declaration, executed by Roderick John SCOTT;
8. An original executed Power of Attorney from Assignee;

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May 21, 2002  
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9. An original executed Certificate Under 37 C.F.R. § 3.73(b) with copy of Assignment attached;
10. One return postcard; and
11. Our check no. 35259 for \$1,632.00 to cover:  
    \$740.00 for filing fee for patent application;  
    \$762.00 for excess claim fee; and  
    \$130.00 for surcharge of late oath or declaration.

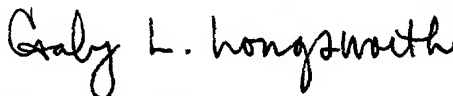
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In accordance with 37 C.F.R. § 1.821(f), the substitute paper copy and the computer readable copy of the Sequence Listing submitted herewith are the same. In accordance with 37 C.F.R. § 1.821(g), the submission of this sequence listing includes no new matter.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Gaby L. Longworth  
Agent for Applicant  
Registration No. 47,756

LBB/GLL/eaf  
Enclosures

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